

**FORM 1-II: Cover Letter Transmitting Inspection Report (including "apparent" violations) and Requesting Response ("Choice letter")**

EA-YY-XXX

NMED NO. (If applicable)

(Name of Licensee)

(Address)

SUBJECT: [include FACILITY NAME for reactor cases] - NRC [include type of inspection, e.g., "INTEGRATED, SPECIAL"] INSPECTION REPORT NO(S). XX-XXX/YY-NN [if applicable, add "AND INVESTIGATION REPORT NO(S). X-XXXX-XXX"]

Dear \_\_\_\_\_:

This refers to the inspection conducted on (date(s)) at the (plant name) facility. [Use (City, State) for material licensees.] [May include purpose statement, e.g., "The purpose of the inspection was to follow up on the loss of main feedwater event that occurred on May 7."] The enclosed report presents the results of this inspection. [Any subsequent meetings and/or telephone discussions should be documented.]

[Routine inspections may use the following paragraph.]

This inspection was an examination of activities conducted under your license as they relate to safety and compliance with the Commission's rules and regulations and with the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel.

Based on the results of this inspection, (number) apparent violation(s) was (were) identified and is (are) being considered for escalated enforcement action in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600. [Include either: "(enclosed)" or "The current Enforcement Policy is included on the NRC's Web site at [www.nrc.gov](http://www.nrc.gov); select **What We Do, Enforcement**, then **Enforcement Policy**."] [The narrative that follows should briefly discuss the nature of the apparent violation(s) with references to the applicable section(s) of the inspection report.] [Describe the information the NRC became aware of, including how, by whom and when it was communicated, e.g., "The circumstances surrounding these apparent violations, the significance of the issues, and the need for lasting and effective corrective action were discussed with members of your staff at the inspection exit meeting on (date)."] As a result, it may not be necessary to conduct a predecisional enforcement conference in order to enable the NRC to make an enforcement decision.

[Insert the following paragraph for cases in which a civil penalty is not being considered.]

In addition, since you identified the violation (or your facility has not been the subject of escalated enforcement actions within the last 2 years, [alternatively, use, "last two inspections"], and based on our understanding of your corrective action, a civil penalty may not be warranted in accordance with Section VI.C.2 of the Enforcement Policy. The final decision will be based on your confirming on the license docket that the corrective actions previously described to the staff have been or are being taken.

[Insert the following paragraph for cases involving the loss, abandonment, or improper transfer or disposal of a sealed source or device.]

You should be aware that Section VII.A.1.g. of the NRC Enforcement Policy states that the NRC should normally exercise discretion to propose imposition of a civil penalty of at least the base amount for violations involving the loss, abandonment, or improper transfer or disposal of a sealed source or device. Since the apparent violation involves the [loss, abandonment, or improper transfer or disposal of a sealed source or device containing (quantity and isotope)], the NRC is considering proposing imposition of a civil monetary penalty in the amount of \$XXXXXX, the lowest base civil penalty for such cases. [Delete the last phrase and include the following if the civil penalty amount is > \$3000 - "The base civil penalty amount is based on approximately three times the expected average cost of authorized disposal. Therefore, the NRC may consider adjusting the civil penalty amount to a more appropriate base amount if you can demonstrate that three times the actual cost of disposal would be significantly less than \$XXXXXX. However, NRC will not normally decrease the civil penalty to an amount below the lowest base civil penalty for such cases, \$3000."]

Before the NRC makes its enforcement decision, we are providing you an opportunity to either: (1) respond to the apparent violations addressed in this inspection report within 30 days of the date of this letter or (2) request a predecisional enforcement conference. If a conference is held, it will be open for public observation. The NRC will also issue a press release to announce the conference. Please contact (name) at (phone number) within 7 days of the date of this letter to notify the NRC of your intended response.

If you choose to provide a written response, it should be clearly marked as a "Response to An Apparent Violation(s) in Inspection Report No(s). XX-XXX\YY-NN; EA-YY-XXX" and should include for each apparent violation: (1) the reason for the apparent violation, or, if contested, the basis for disputing the apparent violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. [Add the following discussion for material and fuel cycle licensees: "In presenting your corrective action, you should be aware that the promptness and comprehensiveness of your actions will be considered in assessing any civil penalty for the apparent violations. The guidance in the enclosed excerpt from NRC Information Notice 96-28, "SUGGESTED GUIDANCE RELATING TO DEVELOPMENT AND IMPLEMENTATION OF CORRECTIVE ACTION," may be helpful."] Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision or schedule a predecisional enforcement conference.

In addition, please be advised that the number and characterization of apparent violations described in the enclosed inspection report may change as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations on this matter.

<sup>1</sup>In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure(s), and your response (if you choose to provide one) will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Sincerely,

\_\_\_\_\_  
Regional Administrator  
or Designee

Docket No. \_\_\_\_\_

License No. \_\_\_\_\_

Enclosure(s): Inspection Report

[for materials and fuel cycle licensees add, "Excerpt from NRC Information  
Notice 96-28."]

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<sup>1</sup> For those packages containing Safeguards Information, remove this paragraph and replace with:

The material enclosed herewith contains Safeguards Information as defined by 10 CFR Part 73.21 and its disclosure to unauthorized individuals is prohibited by Section 147 of the Atomic Energy Act of 1954, as amended. Therefore, the material will not be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.